

EXHIBIT B

ANDERSON KILL P.C.

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By Hand Delivery

February 24, 2020

Clerk of the Court, Ruby J. Krajick
United States District Court
Southern District of New York
Office of the Clerk
500 Pearl Street
New York, New York 10007

Re: *BNY Mellon et al. v. Islamic Republic of Iran*,
Case No.: 1:19-cv-11767 (GBD) (SN); RE: Service

Dear Clerk of the Court, Ruby J. Krajick:

I represent the Plaintiffs in the above-referenced action.

I am writing to request you effect service on the Defendant, Islamic Republic of Iran, pursuant to 28 U.S.C. §1608(a)(4), at the following address:

Minister of Foreign Affairs
Ministry of Foreign Affairs of the Islamic Republic of Iran
Iman Khomeini Avenue
Tehran, Iran
ATTN: H.E. Mohammad Javad Zarif

Service on Iran cannot be effected under 28 U.S.C. Sections 1608(a)(1) and (2) because the United States and Iran do not have any special arrangement for service of process upon Iran in accordance with sub-section (1), nor is service permitted by any applicable international convention under the provisions of sub-section (2).¹ See *Valore v. Islamic Republic of Iran*, 700 F. Supp. 2d 52, 70 (D.D.C. 2010).

On January 22, 2020, Plaintiffs, through the Clerk of the Court, attempted to serve Defendant pursuant to the provision to 28 U.S.C. §1608(a)(3). Annexed hereto as **Exhibit 1**, is a copy of the certificate of mailing.

As of Monday, February 24, 2020, over thirty (30) days passed since the certificate of mailing has been issued and service had not been able to be completed

¹ Iran is not a signatory to the convention of the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

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February 24, 2020

Page 2

under 28 U.S.C. § 1608(a)(3). Annexed hereto as **Exhibit 2**, is a true and correct copy of the USPS tracking information of the package sent by the Clerk of the Court indicating that serve has not been made. .

Accordingly please serve Defendant pursuant to 28 U.S.C. §1608(a)(4) at the following address:

U.S. Department of State
SA-29, 4th Floor, 2201 C Street NW
Washington, DC 20520.
Attn: Secretary of State, Director of Consular Services, Office of Policy
Review and Inter-Agency Liaison (CA/OCS/PRI),

Enclosed please find copies of the following documents:

1. Summons
2. Complaint deemed filed on December 27, 2019
3. Civil Cover Sheet
4. Notice of suit prepared in accordance with 22 CF § 93.2 with a copy of 28 U.S.C. 1330
5. Affidavit of translator (along with translations of the above documents)²

In total, we are providing three complete sets of the documents, in both English and Farsi. In accordance with pages 12-13 of the Court's Foreign Mailing Instructions we are providing two sets for service on Defendant and a set of documents for the Court's file.

We have also enclosed pre-paid FedEx label and envelope for delivery to the address above. Please note that our firm FedEx account number is 628354049.

We further enclose a cashier's check in the amount of \$2,275.00 made payable to "U.S. Embassy Bern."

Should you have any questions or require any additional information please do not hesitate to contact me.

Regards,

Jerry S. Goldman

Enclosures

² The affidavit of the translator comports with the requirements of NY CPLR 2101(b).

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MELLON ET AL.,

Plaintiffs,

v.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

CERTIFICATE OF MAILING

Case No.: 19-cv-11767 (GBD) (SN)

I hereby certify under the penalties of perjury that on the 22nd day of January, 2020, I served:

Minister of Foreign Affairs
Ministry of Foreign Affairs of the Islamic Republic of Iran
Imam Khomeini Avenue
Tehran Iran
Attn: H.E. Mohammad Javad Zarif

☒ the head of the ministry of foreign affairs, pursuant to the provisions of the Foreign Sovereign Immunities Act, 28 U.S.C. § 1608(a)(3).

Two (2) copies of the Summons, Compliant filed December 27th, 2019, Civil Cover Sheet, Notice of Suit with copy of 28 U.S.C. 1330; (along with attached affidavit of translator and Farsi translations of the above documents), by USPS Reg. Mail no. RH002018004US

Dated: New York, New York
January 22, 2020

RUBY J. KRAJICK
CLERK OF COURT

/s/Shanee Mcleod
Deputy Clerk

USPS Customs Declaration and Dispatch Note

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4 – Sender's Copy

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To Be Completed By Post Office		TO All Entries Must Be in Ballpoint or Typed (Please Print)	
Postage \$ \$34.75 Extra Services & Fees (continued) Extra Services & Fees <input type="checkbox"/> Registered Mail \$ \$10.00 <input type="checkbox"/> Return Receipt (hardcopy) \$ \$4.00 <input type="checkbox"/> Return Receipt (electronic) \$ \$0.00 <input type="checkbox"/> Restricted Delivery \$ \$0.00 Total Postage & Fees \$ \$54.75		Received by 01/22/2020 Customer Must Declare Full Value \$ \$0.00 Domestic Insurance up to \$50,000 is included based upon the declared value. International indemnity is limited. (See Reverse).	

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EXHIBIT 2

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